

In the Senate of the United States,

October 11 (legislative day, October 10), 2002.

Resolved, That the bill from the House of Representatives (H.R. 3389) entitled “An Act to reauthorize the National Sea Grant College Program Act, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Sea Grant Col-*
3 *lege Program Act Amendments of 2002”.*

1 **SEC. 2. AMENDMENTS TO FINDINGS.**

2 Section 202(a)(6) of the National Sea Grant College
3 Program Act (33 U.S.C. 1121(a)(6)) is amended by striking
4 the period at the end and inserting “, including strong col-
5 laborations between Administration scientists and scientists
6 at academic institutions.”.

7 **SEC. 3. REQUIREMENTS APPLICABLE TO NATIONAL SEA**
8 **GRANT COLLEGE PROGRAM.**

9 (a) *QUADRENNIAL STRATEGIC PLAN.*—Section 204
10 (c)(1) of the National Sea Grant College Program Act (33
11 U.S.C. 1123 (c)(1)) is amended to read as follows:

12 “(1) The Secretary, in consultation with the
13 panel, sea grant colleges, and sea grant institutes,
14 shall develop at least every 4 years a strategic plan
15 that establishes priorities for the national sea grant
16 college program, provides an appropriately balanced
17 response to local, regional, and national needs, and is
18 reflective of integration with the relevant portions of
19 the strategic plans of the Department of Commerce
20 and of the Administration.”.

21 (b) *PROGRAM EVALUATION AND RATING.*—

22 (1) *EVALUATION AND RATING REQUIREMENT.*—
23 Section 204(d)(3)(A) of the National Sea Grant Col-
24 lege Program Act (33 U.S.C. 1123(d)(3)(A)) is
25 amended to read as follows:

“(A)(i) evaluate the performance of the programs of sea grant colleges and sea grant institutes, using the priorities, guidelines, and qualifications established by the Secretary under subsection (c), and determine which of the programs are the best managed and carry out the highest quality research, education, extension, and training activities; and

“(ii) rate the programs according to their relative performance (as determined under clause (i)) into no less than 5 categories, with each of the 2 best-performing categories containing no more than 25 percent of the programs;”.

(2) *REVIEW OF EVALUATION AND RATING PROCESS.*—(A) After 3 years after the date of the enactment of this Act, the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall contract with the National Academy of Sciences—

(i) to review the effectiveness of the evaluation and rating system under the amendment made by paragraph (1) in determining the relative performance of programs of sea grant colleges and sea grant institutes;

1 (ii) to evaluate whether the sea grant pro-
 2 grams have improved as a result of the evalua-
 3 tion process; and

4 (iii) to make appropriate recommendations
 5 to improve the overall effectiveness of the evalua-
 6 tion process.

7 (B) The National Academy of Sciences shall sub-
 8 mit a report to the Congress on the findings and rec-
 9 ommendations of the panel under subparagraph (A)
 10 by not later than 4 years after the date of the enact-
 11 ment of this Act.

12 (c) *ALLOCATION OF FUNDING.*—Section 204(d)(3)(B)
 13 of the National Sea Grant College Program Act (33 U.S.C.
 14 1123(d)(3)(B)) is amended by striking “and” after the
 15 semicolon at the end of clause (ii) and by adding at the
 16 end the following:

17 “(iv) encourage and promote coordina-
 18 tion and cooperation between the research,
 19 education, and outreach programs of the
 20 Administration and those of academic insti-
 21 tutions; and”.

22 **SEC. 4. COST SHARE.**

23 Section 205(a) of the National Sea Grant College Pro-
 24 gram Act (33 U.S.C. 1124(a)) is amended by striking “sec-
 25 tion 204(d)(6)” and inserting “section 204(c)(4)(F)”.

1 **SEC. 5. FELLOWSHIPS.**

2 (a) *ENSURING EQUAL ACCESS*.—Section 208(a) of the
 3 *National Sea Grant College Program Act* (33 U.S.C.
 4 1127(a)) is amended by adding at the end the following:
 5 “The Secretary shall strive to ensure equal access for minor-
 6 ity and economically disadvantaged students to the pro-
 7 gram carried out under this subsection. Not later than 1
 8 year after the date of the enactment of the *National Sea*
 9 *Grant College Program Act Amendments of 2002*, and every
 10 2 years thereafter, the Secretary shall submit a report to
 11 the Congress describing the efforts by the Secretary to ensure
 12 equal access for minority and economically disadvantaged
 13 students to the program carried out under this subsection,
 14 and the results of such efforts.”.

15 (b) *POSTDOCTORAL FELLOWS*.—Section 208(c) of the
 16 *National Sea Grant College Program Act* (33 U.S.C.
 17 1127(c)) is repealed.

18 **SEC. 6. TERMS OF MEMBERSHIP FOR SEA GRANT REVIEW**
 19 **PANEL.**

20 Section 209(c)(2) of the *National Sea Grant College*
 21 *Program Act* (33 U.S.C. 1128(c)(2)) is amended by striking
 22 the first sentence and inserting the following: “The term of
 23 office of a voting member of the panel shall be 3 years for
 24 a member appointed before the date of enactment of the *Na-*
 25 *tional Sea Grant College Program Act Amendments of*
 26 *2002*, and 4 years for a member appointed or reappointed

1 *after the date of enactment of the National Sea Grant Col-*
 2 *lege Program Act Amendments of 2002. The Director may*
 3 *extend the term of office of a voting member of the panel*
 4 *appointed before the date of enactment of the National Sea*
 5 *Grant College Program Act Amendments of 2002 by up to*
 6 *1 year.”.*

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 *Subsections (a), (b), and (c) of section 212 of the Na-*
 9 *tional Sea Grant College Program Act (33 U.S.C. 1131)*
 10 *are amended to read as follows:*

11 *“(a) AUTHORIZATION.—*

12 *“(1) IN GENERAL.—There are authorized to be*
 13 *appropriated to the Secretary to carry out this title—*

14 *“(A) \$60,000,000 for fiscal year 2003;*

15 *“(B) \$75,000,000 for fiscal year 2004;*

16 *“(C) \$77,500,000 for fiscal year 2005;*

17 *“(D) \$80,000,000 for fiscal year 2006;*

18 *“(E) \$82,500,000 for fiscal year 2007; and*

19 *“(F) \$85,000,000 for fiscal year 2008.*

20 *“(2) PRIORITY ACTIVITIES.—In addition to the*
 21 *amounts authorized under paragraph (1), there are*
 22 *authorized to be appropriated for each of fiscal years*
 23 *2003 through 2008—*

24 *“(A) \$5,000,000 for competitive grants for*
 25 *university research on the biology and control of*

1 *zebra mussels and other important aquatic non-*
 2 *native species;*

3 “(B) \$5,000,000 for competitive grants for
 4 *university research on oyster diseases, oyster res-*
 5 *toration, and oyster-related human health risks;*

6 “(C) \$5,000,000 for competitive grants for
 7 *university research on the biology, prevention,*
 8 *and forecasting of harmful algal blooms, includ-*
 9 *ing Pfiesteria piscicida; and*

10 “(D) \$3,000,000 for competitive grants for
 11 *fishery extension activities conducted by sea*
 12 *grant colleges or sea grant institutes to enhance,*
 13 *and not supplant, existing core program fund-*
 14 *ing.*

15 “(b) *LIMITATIONS.—*

16 “(1) *ADMINISTRATION.—There may not be used*
 17 *for administration of programs under this title in a*
 18 *fiscal year more than 5 percent of the lesser of—*

19 “(A) *the amount authorized to be appro-*
 20 *priated under this title for the fiscal year; or*

21 “(B) *the amount appropriated under this*
 22 *title for the fiscal year.*

23 “(2) *USE FOR OTHER OFFICES OR PROGRAMS.—*

24 *Sums appropriated under the authority of subsection*

25 *(a)(2) shall not be available for administration of this*

1 *title by the National Sea Grant Office, for any other*
 2 *Administration or department program, or for any*
 3 *other administrative expenses.*

4 “(c) *DISTRIBUTION OF FUNDS.—In any fiscal year in*
 5 *which the appropriations made under subsection (a)(1) ex-*
 6 *ceed the amounts appropriated for fiscal year 2003 for the*
 7 *purposes described in such subsection, the Secretary shall*
 8 *distribute any excess amounts (except amounts used for the*
 9 *administration of the sea grant program) to any combina-*
 10 *tion of the following:*

11 “(1) *sea grant programs, according to their rat-*
 12 *ing under section 204(d)(3)(A);*

13 “(2) *national strategic investments authorized*
 14 *under section 204(b)(4);*

15 “(3) *a college, university, institution, associa-*
 16 *tion, or alliance for activities that are necessary for*
 17 *it to be designated as a sea grant college or sea grant*
 18 *institute;*

19 “(4) *a sea grant college or sea grant institute*
 20 *designated after the date of enactment of the National*
 21 *Sea Grant College Program Act Amendments of 2002*
 22 *but not yet evaluated under section 204(d)(3)(A).”.*

1 **SEC. 8. ANNUAL REPORT ON PROGRESS IN BECOMING DES-**
 2 **IGNATED AS SEA GRANT COLLEGES AND SEA**
 3 **GRANT INSTITUTES.**

4 *Section 207 of the National Sea Grant College Pro-*
 5 *gram Act (16 U.S.C. 1126) is amended by adding at the*
 6 *end the following:*

7 “(e) *ANNUAL REPORT ON PROGRESS.*—

8 “(1) *REPORT REQUIREMENT.*—*The Secretary*
 9 *shall report annually to the Committee on Resources*
 10 *and the Committee on Science of the House of Rep-*
 11 *resentatives, and to the Committee on Commerce,*
 12 *Science, and Transportation of the Senate, on efforts*
 13 *and progress made by colleges, universities, institu-*
 14 *tions, associations, and alliances to become designated*
 15 *under this section as sea grant colleges or sea grant*
 16 *institutes, including efforts and progress made by sea*
 17 *grant institutes in being designated as sea grant col-*
 18 *leges.*

19 “(2) *TERRITORIES AND FREELY ASSOCIATED*
 20 *STATES.*—*The report shall include description of—*

21 “(A) *efforts made by colleges, universities,*
 22 *associations, institutions, and alliances in*
 23 *United States territories and freely associated*
 24 *States to develop the expertise necessary to be*
 25 *designated as a sea grant institute or sea grant*
 26 *college;*

1 “(B) the administrative, technical, and fi-
2 nancial assistance provided by the Secretary to
3 those entities seeking to be designated; and

4 “(C) the additional actions or activities
5 necessary for those entities to meet the qualifica-
6 tions for such designation under subsection
7 (a)(1).”.

8 **SEC. 9. COORDINATION.**

9 *Not later than February 15 of each year, the Under*
10 *Secretary of Commerce for Oceans and Atmosphere and the*
11 *Director of the National Science Foundation shall jointly*
12 *submit to the Committees on Resources and Science of the*
13 *House of Representatives and the Committee on Commerce,*
14 *Science, and Transportation of the Senate a report on how*
15 *the oceans and coastal research activities of the National*
16 *Oceanic and Atmospheric Administration, including the*
17 *Coastal Ocean Program and the National Sea Grant Col-*
18 *lege Program, and of the National Science Foundation will*
19 *be coordinated during the fiscal year following the fiscal*
20 *year in which the report is submitted. The report shall de-*
21 *scribe in detail any overlapping ocean and coastal research*
22 *interests between the agencies and specify how such research*

- 1 *interests will be pursued by the programs in a complemen-*
- 2 *tary manner.*

Attest:

Secretary.

107TH CONGRESS
2D SESSION

H. R. 3389

AMENDMENT